IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

RP.No. 196 of 2007()

AGAINST THE JUDGEMENT dated 10/07/2006 in AS.137/1998
ARISING FROM JUDGMENT DTD. 15/07/1997 IN O.S.NO.12/1992
OF THE ADDL.SUBORDINATE JUDGE'S COURT, KOTTAYAM)
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REVIEW PETITIONER/1ST RESPONDENT:

S.RADHAMANI, AGED 51 YEARS,
KEZHAKKETHIL, CHANDRIKA, BAKER JUNCTION,
KOTTAYAM.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENTS: APPELLANT & RESPONDENTS 2-10.
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1. **S.LALITHAKUMARI, AGED 51 YEARS,**
   KEZHAKKETHIL,KAMALALAYATHIL, KOTTAYAM.

2. **K.C.GOVINDHAN NAIR, AGED 58 YEARS,**
   MUTHEDATH HOUSE, KARIKKATTU,
   THRISSUR.

3. **K.RAMACHANDRAN NAIR, AGED 53 YEARS,**
   12-13-88 IIND FLOOR STREET NO.5 TARUAKA,
   SECONDERABAD-50017.

4. **K.RAMACHANDRAN NAIR, AGED 48 YEARS,**
   DISTRICT DEVELOPMENT OFFICER (NABARD),
   PUZHAYA NADAKKAVIL KOMARATH HOUSE,
   THIRSSUR.

5. **APARNA DEVI, AGED 30 YEARS,**
   C/O.CAPT. JAYAKUMAR.G.12,
   SIDEL REGIMENT-56 APO.

...2/-

6. ANJANA DEVI, AGED 29 YEARS,
D/O.S.LALITHAKUMARI,
KIZHAKKETHIL, CHANDIRKA HOUSE,
BAKER JUNCTION, KOTTAYAM.

7. LEELA S. PILLAI, AGED 57 YEARS,
S/O.SIVASANKARA PILLAI, LAKSHMI NILAYATHIL,
PADINJARE NADAYIL, THIRUNAKKARA, KOTTAYAM.

8. SATHEESH, AGED 57 YEARS,
S/O.SIVASANKARA PILLAI, LAKSHMI NILAYATHIL,
PADINJARE NADAYIL, THIRUNAKKARA, KOTTAYAM.

9. SANJAL, AGED 30 YEARS,
S/O.SIVASANKARA PILLAI, LAKSHMI NILAYATHIL,
PADINJARE NADAYIL, THIRUNAKKARA, KOTTAYAM.

10. DR.P.C.CHERIAN, AGED 74 YEARS,
DENTAL SPECIALIST, CHANDIRKA BUILDINGS,
MUNCIPAL JUNCTION, KOTAYAM.

BY ADV. SRI.GOPALAKRISHNA KURUP
SRI.C.A.RAJEEV

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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R.P. 196 OF 2007

IN A.S 137 OF 1998

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Dated this the 7th day of March, 2007.

O R D E R

This is a petition to review the judgment passed by me on 10th July, 2006. The subject matter of the appeal was regarding the interpretation of a document that the property enure to the benefit of the thavazhi or enure to the individuals. After elaborately considering the entire matter this Court had reached a conclusion that it will enure to the benefit of the individuals mentioned and therefore ordered partition accordingly. Now the learned counsel for the review petitioner wants to contend for the position that the said approach of this Court is errorneous which requires interference. Even if a different type of interpretation is possible in order to allow a petition u/s 47 Rule 1, one has to establish that there was an error apparent on the face of the records and secondly that the review petitioner in spite of due diligence was not able to bring to the notice of the

Court any definite piece of evidence. Nothing of that kind exists in this case. This Court on application of mind and after elaborate consideration of the documents available came to the conclusion that it will not enure to the benefit of thavazhi. So the request of the learned counsel for the review petitioner will not come within the four corners of Order 47 Rule 1 and this Court is only entitled to review the case only if it comes within the purview of Order 47 Rule 1. Therefore, this review cannot be entertained and the same is dismissed.

M.N. KRISHNAN, JUDGE.

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